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March 23, 2022

VIA ECF
Judge P. Kevin Castel
U.S. District Court, S.D.N.Y.

Re: 1:21-cv-09168-PKC Kraljeovich v. Courser Athletics, Inc. et al

Dear Judge Castel,

I represent plaintiff John Kraljeovich in the above-referenced copyright infringement action. Earlier today, Plaintiff filed a motion for a default judgment against defendants Michael Petry and Laurie Spiro; those papers are also respectfully submitted in response to the Court's March 1, 2022 Order to Show Cause concerning those same defendants' motion to vacate the default and to dismiss [Doc. 42]. Specifically, the following papers were filed both in support of Plaintiff's motion and in opposition to the defaulting defendants' motion:

- Notice of Motion [Doc. 45]
- Declaration of Jordan Greenberger (with Exhibits 1-12) [Doc. 46]
- Declaration of John Kraljeovich (with Exhibits 1-6) [Doc. 47]
- Declaration of Tyler Fairchild (with Exhibit A) [Doc. 48]
- Memorandum of Law [Doc. 49]

Plaintiff's position, in sum, is that his motion for a default judgment should be granted and the defaulting defendants' motion to vacate and to dismiss should be denied. But if the defaulting defendants' motion is granted then the Court should do so on the condition that they pay Plaintiff's costs/fees relating to the default and post a significant bond; further, if the Court finds that the Complaint fails to state a claim, Plaintiff should be granted leave to amend.

Respectfully,

/s/ Jordan Greenberger, Esq.

Cc: Defendants' counsel (via e-filing)

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